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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10
11 ACTIVISION PUBLISHING, INC.,
12 Plaintiff,
13 v.

14 RYAN ROTHOLZ a/k/a “Lerggy,”
15 “Lerg,” “Lergster,” “The Pimp,”
16 “Joker0699,” and “Joker”; COLLIN
17 GYETVAI a/k/a “Cid” and
18 “CollinOnDex”; JORDAN
NEWCOMBE BOOTHEY a/k/a
“Bossnight55” and “Aussie”; DOE 1
a/k/a “Seemo”; DOE 2 a/k/a “CEO,”
“wndprochandler,” and “8485”; and
DOES 3 through 10, inclusive,

Defendants.

CASE NO. 2:25-cv-04075-SPG-(BFMx)

Judge: Hon. Sherilyn Peace Garnett

**PLAINTIFF'S NOTICE OF *EX PARTE* AND *EX PARTE*
APPLICATION REQUESTING
ENTRY OF DEFAULT AGAINST
DEFENDANT JORDAN
NEWCOMBE BOOTHNEY**

[Declaration of Mark C. Humphrey and
(Proposed) Order filed concurrently
herewith]

Filed: May 7, 2025

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NOTICE OF *EX PARTE* APPLICATION

2 PLEASE TAKE NOTICE that Plaintiff Activision Publishing, Inc.
3 (“Activision”) hereby applies *ex parte* requesting entry of default against
4 Defendant Jordan Newcombe Boothe (‘Boothe’) on the grounds that Boothe
5 has now been served with the operative Complaint and has failed to appear or
6 otherwise respond within the time prescribed by the Federal Rules of Civil
7 Procedure. Declaration of Mark C. Humphrey (“Humphrey Decl”) ¶ 2.

8 This Request is made on an *ex parte* basis because (1) the Clerk of Court is
9 not authorized to determine the propriety of service in a foreign country, (2) the
10 Request necessarily is not (and will not be) opposed by any affected party, and (3)
11 Activision wishes to minimize delay in proceeding to default judgment for all
12 defaulting defendants. Plaintiff is concurrently seeking entry of default by the
13 Clerk as to other Defendants who have failed to respond to the Complaint in
14 accordance with Fed. R. Civ. P. 55.

15 Activision was unable to meet and confer pursuant to Local Rule 7-19 with
16 Defendant Bootheay because he has not entered an appearance in this case.

18 DATED: AUGUST 20, 2025 MARC E. MAYER
19 MARK C. HUMPHREY
MITCHELL SILBERBERG & KNUPP LLP

By: /s/ Mark C. Humphrey
Marc E. Mayer (SBN 190969)
Mark C. Humphrey (SBN 291718)
Attorneys for Activision Publishing, Inc.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 By this Application, Plaintiff Activision Publishing, Inc. (“Activision”)
4 requests entry of default against Defendant Jordan Newcombe Bootheay
5 (“Bootheay”). Defendant has been served with the operative Complaint and has
6 failed to appear or otherwise respond within the time prescribed by the Federal
7 Rules of Civil Procedure. Humphrey Decl., ¶¶ 2-5.

8 Entry of default against Defendant Bootheay is proper and appropriate. On
9 June 24, 2025, Activision properly served Defendant Bootheay with the Summons
10 and Complaint under the Hague Convention, as evidenced by the proof of service
11 on file with this Court dated August 7, 2025. *Id.*, ¶ 2; *see* Dkt. No. 26.

12 Neither Activision nor the Court have granted Bootheay any extensions of
13 time to respond to the Complaint. *Id.* ¶ 4. Activision is informed and believes that
14 Bootheay is not an infant or an incompetent person or in the military service.
15 Humphrey Decl. ¶ 5.

16 **II. CONCLUSION**

17 Activision respectfully requests that the Court enter default as to Defendant
18 Bootheay.

19 DATED: AUGUST 20, 2025

20 MARC E. MAYER
21 MARK C. HUMPHREY
22 MITCHELL SILBERBERG & KNUPP LLP

23 By: /s/ Mark C. Humphrey
24 Marc E. Mayer (SBN 190969)
25 Mark C. Humphrey (SBN 291718)
26 Attorneys for Activision Publishing, Inc.

1 **Certificate of Compliance-L.R.11-6.2.**

2 The undersigned, counsel of record for Activision Publishing, Inc., certifies
3 that this brief contains 165 words, which complies with the word limit of L.R. 11-
4 6.1.

5 DATED: AUGUST 20, 2024

6 */s/ Mark C. Humphrey* _____

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